

Present: Hon. Judy H. Kim  
Justice

At \_\_\_ Part 5 of the Supreme Court  
of the State of New York held in and  
for the County of New York at the  
Courthouse located at 80 Centre  
Street, New York, New York on the  
10<sup>th</sup> day of February, 2022.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----  
THE NEW YORK CITY MUNICIPAL LABOR  
COMMITTEE, by its Chair HARRY NESPOLI;  
UNIFORMED SANITATIONMEN'S ASSOCIATION,  
LOCAL 831 IBT, by its President HARRY NESPOLI;  
POLICE BENEVOLENT ASSOCIATION, by its  
President PATRICK LYNCH; UNIFORMED  
FIREFIGHTERS ASSOCIATION LOCAL 94 I.A.F.F.  
AFL-CIO by its President ANDREW ANSBRO;  
UNIFORMED FIRE OFFICERS ASSOCIATION, by its  
President JAMES MCCARTHY; UNITED  
FEDERATION OF TEACHERS, by its President  
MICHAEL MULGREW; COUNCIL OF SCHOOL  
SUPERVISORS AND ADMINISTRATORS, by its  
President MARK CANNIZZARO; INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS, LOCAL 237, IBT,  
by its President GREGORY FLOYD; CORRECTION  
OFFICER'S BENEVOLENT ASSOCIATION, by its  
President BENNY BOSCO; COMMUNICATION  
WORKERS OF AMERICA NYC LOCAL 1180, by its  
President GLORIA MIDDLETON; SERVICE  
EMPLOYEES INTERNATIONAL UNION, LOCAL  
246, by its President JOSEPH COLANGELO;  
LIEUTENANTS BENEVOLENT ASSOCIATION, by  
its President LOUIS TURCO; SERGEANT'S  
BENEVOLENT ASSOCIATION, by its President  
VINCENT VALLELONG; DETECTIVES  
ENDOWMENT ASSOCIATION, by its President PAUL  
DIGIACOMO; CAPTAINS ENDOWMENT  
ASSOCIATION, by its President CHRISTOPHER  
MONOHAN; SANITATION OFFICERS'  
ASSOCIATION, LOCAL 444, by its President JOSEPH  
MANNION; UNIFORMED SANITATION CHIEFS  
ASSOCIATION, by its President IGNAZIO AZZARA;  
INTERNATIONAL UNION OF OPERATING  
ENGINEERS, LOCAL 30, by its Business Manager  
WILLIAM LYNN; DISTRICT COUNCIL NO. 9

X

Index No. 151169/2022

Hon. Judy H. Kim J.S.C.

**ORDER TO SHOW CAUSE  
FOR A TEMPORARY  
RESTRAINING ORDER  
AND PRELIMINARY  
INJUNCTION**

PAINTERS & ALLIED TRADES by its Business  
 Manager and Secretary Treasurer JOSEPH  
 AZZOPARDI; INTERNATIONAL BROTHERHOOD  
 OF ELECTRICAL WORKERS, LOCAL 3 by its  
 President THOMAS J. CLEARY; INTERNATIONAL  
 UNION OF OPERATING ENGINEERS, LOCAL 891,  
 by its President ROBERT TROELLER; SERVICE  
 EMPLOYEES INTERNATIONAL UNION, LOCAL  
 300 by its President JAMES GOLDEN;  
 BOILERMAKERS, BLACKSMITHS & METAL  
 WORK MECHANICS, LOCAL 5, by its Business  
 Manager STEVE LUDWIGSON; SERVICE  
 EMPLOYEES INTERNATIONAL UNION  
 SUPERVISORS, LOCAL 621, by its President CARL  
 CHIARAMONTE; ORGANIZATION OF STAFF  
 ANALYSTS, by its President ROBERT CROGHAN;  
 N.Y.C. DISTRICT COUNCIL OF CARPENTERS,  
 UBCJA, by its President PAUL CAPURSO;  
 CORRECTION CAPTAINS' ASSOCIATION, INC., by  
 its President PATRICK FERRAIUOLO; UNITED  
 PROBATION OFFICERS ASSOCIATION, by its  
 President DALVANIE POWELL; ALLIED BUILDING  
 INSPECTORS LOCAL 211, by its President NELSON  
 MAS,

Plaintiffs,

-against-

THE CITY OF NEW YORK; BOARD OF  
 EDUCATION OF THE CITY SCHOOL DISTRICT OF  
 THE CITY OF NEW YORK; and THE NEW YORK  
 CITY HOUSING AUTHORITY,

Defendants.

X

Upon review of the annexed Complaint and the exhibits annexed thereto; the Affirmation of Emergency and in Support of Application for Temporary Restraining Order and Preliminary Injunction, dated February 8, 2022; the Affirmation of Beth Norton, dated February 8, 2022; the Affirmation of David Grandwetter, dated February 8, 2022, and the accompanying Memorandum of Law, dated February 8, 2022, and for <sup>sufficient</sup> ~~good~~ cause <sup>being alleged</sup> ~~shown~~, it is hereby:

~~LET~~ <sup>by their counsel</sup> ~~ORDERED~~ that Defendants show cause before this Court at the Supreme Court Courthouse in the County of New York, <sup>80</sup> ~~60~~ Centre Street, New York, NY, in IAS Part <sup>5</sup> ~~11800~~ as assigned by the court and per the Court's instructions, on March 1, 2022 at ~~9:30~~ a.m. or as soon thereafter as counsel may be heard, why an Order should not be made herein:

1. Declaring that Defendants violated the due process rights of unvaccinated employees represented by Plaintiffs, pursuant to statute and the individual Plaintiffs' respective collective bargaining agreements;
2. Enjoining Defendants from summarily terminating these employees due to vaccination status, without due process; and
3. Granting such other and further relief as the Court may deem appropriate.

~~IT IS FURTHER ORDERED~~ that pending the hearing upon the aforementioned Complaint, Defendants ~~are temporarily restrained from terminating employees represented by Plaintiffs due to vaccination status.~~

<sup>BEING ALLEGED</sup>  
SUFFICIENT CAUSE ~~APPEARING~~ THEREFORE, IT IS ORDERED that leave is hereby granted to Plaintiffs to submit upon the return day of this Order to Show Cause, and any subsequent day as shall be determined by the Court on said return day, such additional evidence, exhibits, legal memoranda and other proof as may be necessary.

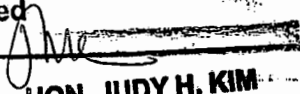
IT IS FURTHER ORDERED, that service of a copy of this Order together with the papers upon which it is granted <sup>along with the Summons and Complaint</sup> be made upon all Defendants by email or personal service on or before the 17<sup>th</sup> day of February, 2022; and that such method of service shall be deemed good and sufficient service thereof.

IT IS FURTHER ORDERED that papers in response to the relief requested herein, if any, shall be filed on the NYSCEF system and e-mailed to Alan M. Klinger at aklinger@stroock.com and Dina Kolker at dkolker@stroock.com, on or before the 24<sup>th</sup> day of February, 2022.

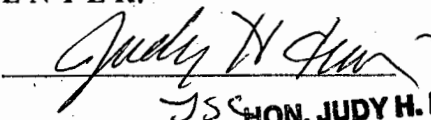
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2022, at New York, New York.

Oral Argument  
Directed

JSC

  
HON. JUDY H. KIM

ENTER:

  
JSC HON. JUDY H. KIM

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